

05-06-04

Express Mail Mailing Label No. EV289510643US

16468

TRANSMITTAL
FORM

Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	P. M. Mertz
Attorney Docket No.	LEX-002C1

ENCLOSURES (check all that apply)

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|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form
<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]
<input type="checkbox"/> Extension of Time Request
<input checked="" type="checkbox"/> Third Supplemental Information Disclosure Statement
<input checked="" type="checkbox"/> Form 1449
<input checked="" type="checkbox"/> Copies of Third Supp. IDS Citations (A96-A102, B107, and C239-C248)
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)
<input type="checkbox"/> Formal Drawing(s)
<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition
<input type="checkbox"/> To Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> After Allowance Communication to Group | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Return receipt postcard
<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|---|---|

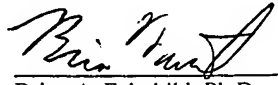
CORRESPONDENCE ADDRESS

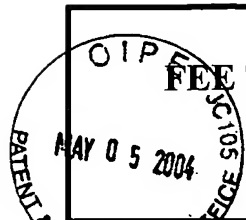
Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

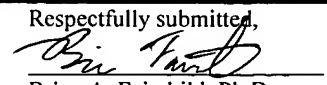
Date: May 5, 2004
Reg. No. 48,645
Tel. No.: (617) 248-7697
Fax No.: (617) 248-7100

Respectfully submitted,


Brian A. Fairchild, Ph.D.
Attorney for Applicant(s)
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

	Complete if Known		
	Application Serial Number	10/005,212	
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	First Named Inventor	Gillies	
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METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>410</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>930</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1450</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1970</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>320</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>320</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>280</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td>180.00</td></tr> <tr><td>750</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>750</td><td>375</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td colspan="3">Other fee (Specify)</td><td></td></tr> <tr><td colspan="3">Other fee (Specify)</td><td></td></tr> </tbody> </table>	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		410	205	Extension for reply within second month		930	465	Extension for reply within third month		1450	725	Extension for reply within fourth month		1970	985	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement	180.00	750	375	Filing a submission after final rejection (37 CFR 1.129(a))		750	375	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		Other fee (Specify)				Other fee (Specify)			
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																																																																	
3. <input type="checkbox"/> Applicant claims small entity status.																																																																																	
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2. AMENDMENT CLAIM FEES <table style="width: 100%; font-size: small;"> <tr> <th>Claims Remaining After Amend.</th> <th>Highest No. Previously Paid For</th> <th>Present Extra</th> <th>Rate</th> <th>Fee Paid</th> </tr> <tr> <td>Total</td> <td>-</td> <td>=</td> <td>x \$ 18.00 =</td> <td>0.00</td> </tr> <tr> <td>Indep.</td> <td>-</td> <td>=</td> <td>x \$ 84.00 =</td> <td>0.00</td> </tr> <tr> <td><input type="checkbox"/> First Presentation of Multiple Dep. Claim</td> <td></td> <td></td> <td>+ \$280.00 =</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL:</td> <td>(\$) 0.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">SMALL ENTITY DISCOUNT:</td> <td>(\$)</td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$) 0.00</td> </tr> </table>	Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid	Total	-	=	x \$ 18.00 =	0.00	Indep.	-	=	x \$ 84.00 =	0.00	<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$280.00 =		TOTAL:				(\$) 0.00	SMALL ENTITY DISCOUNT:				(\$)	SUBTOTAL (2)				(\$) 0.00	SUBTOTAL (3) (\$) 180.00 SUBTOTAL (1) 0.00 SUBTOTAL (2) 0.00 SUBTOTAL (3) 180.00 TOTAL (\$) 180.00																																													
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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  Brian A. Fairchild, Ph.D. Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Date: May 5, 2004 Reg. No.: 48,645 Tel. No.: (617) 248-7697 Fax No.: (617) 248-7100



Express Mail Mailing Label No. EV289510643US

PATENT
Attorney Docket No. LEX-002C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gillies *et al.* CONF. NO.: 6802
SERIAL NO.: 10/005,212 GROUP NO.: 1646
FILING DATE: December 4, 2001 EXAMINER: P. M. Mertz
TITLE: HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED IMMUNE
THERAPY AND GENERAL IMMUNE STIMULATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. § 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. § 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. § 1.311, and
- ☐ the requisite Statement is below, **OR**

05/07/2004 HTECKLU1 00000019 10055212
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Void date: 05/07/2004 HTECKLU1
05/07/2004 HTECKLU1 00000019 10055212
01 FC:1806 -180.00 OP

05/07/2004 HTECKLU1 00000080 10005212
01 FC:1806 180.00 OP

- ☒ the requisite fee under 37 C.F.R. § 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. § 1.17(p), namely **\$180.00** is included herein.

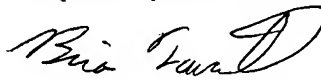
It is respectfully requested that the Office action listed on the attached Form PTO-1449 be made of record in this application.

Applicants note that reference C247 is the International Search Report for an international patent application corresponding to the present U.S. application.

Applicants believe no additional fee is required for entry and consideration of this paper. If an additional fee is required, please charge Deposit Account 20-0531.

Date: May 5, 2004
Reg. No. 48,645
Tel. No.: (617) 248-7697
Fax No.: (617) 248-7100

Respectfully submitted,



Brian A. Fairchild, Ph.D.
Attorney for Applicants
Testa, Hurwitz & Thibeault, LLP
125 High Street
Boston, Massachusetts 02110



Express Mail Mailing Label No. EV289510643US

SHEET 1 OF 2

FORM PTO - 1449				ATTORNEY DOCKET NO.: LEX-002C1					
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Gillies <i>et al.</i>					
				SERIAL NO.: 10/005,212					
				FILING DATE: December 4, 2001		GROUP: 1646			
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	A96	6,429,199	8/6/02	Krieg et al.					
	A97	2002/0037558	3/28/02	Lo et al.					
	A98	2002/0146388	10/10/02	Gillies					
	A99	2003/0139575	7/24/03	Gillies					
	A100	2004/0013640	1/22/04	Zardi et al.					
	A101	2004/0072299	4/15/04	Gillies et al.					
	A102	2004/0082039	4/29/04	Gillies et al.					
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B107	WO 93/20185	10/14/93	PCT					
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C239	de la Salle et al., (1996), "FcγR on Human Dendritic Cells," in <u>Human IgG Receptors</u> , pp. 39-55, van de Winkel et al. (eds.), R.G. Landes Co.							
	C240	Elliott et al., (1996), "Fine-Structure Epitope Mapping of Antierythropoietin Monoclonal Antibodies Reveals a Model of Recombinant Human Erythropoietin Structure," <u>Blood</u> , 87(7):2702-2713.							
	C241	Hurn et al., (1980), "Production of Reagent Antibodies," <u>Methods in Enzymology</u> , 70: 104-142.							
	C242	Isenman et al., (1975), "The Structure and Function of Immunoglobulin Domains: II. The Importance of Interchain Disulfide Bonds and the Possible Role of Molecular Flexibility in the Interaction between Immunoglobulin G and Complement," <u>J. Immunology</u> , 114(6):1726-1729.							
	C243	Lode et al., (1997), "Targeted Interleukin-2 Therapy for Spontaneous Neuroblastoma Metastases to Bone Marrow," <u>J. Natl. Cancer Inst.</u> , 89(21):1586-94.							
EXAMINER					DATE CONSIDERED				



SHEET 2 OF 2

FORM PTO - 1449		ATTORNEY DOCKET NO.: LEX-002C1	
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		SERIAL NO.: 10/005,212	
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EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)		
	C244	Sallusto et al., (1994), "Efficient Presentation of Soluble Antigen by Cultured Human Dendritic Cells Is Maintained by Granulocyte/Macrophage Colony-stimulating Factor Plus Interleukin 4 and Downregulated by Tumor Necrosis Factor α ," <u>J. Exp. Med.</u> , 179:1109-1118.	
	C245	Schlom (1991), "Monoclonal Antibodies: They're More and Less Than You Think," in <u>Molecular Foundations of Oncology</u> , pp. 95-133.	
	C246	Wen et al., (1994), "Erythropoietin Structure-Function Relationships: Identification of Functionally Important Domains," <u>J. Biological Chemistry</u> , 269(36):22839-22846.	
	C247	International Search Report for International Patent Application Serial No. PCT/US98/25978, dated June 18, 1999.	
	C248	Maecker et al., (1997), "DNA Vaccination with Cytokine Fusion Constructs Biases the Immune Response to Ovalbumin," <u>Vaccine</u> , 15(15):1687-1698.	
EXAMINER		DATE CONSIDERED	

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